

## **REMARKS**

Claims 1 through 82 remain in this application.

### **Claim Rejections-35 USC § 102**

In the Office Action, claims 1-6, 12, 13, 14, 17, 19, 37-39, 52, 57-62, 81 are rejected under 35 USC 102(b) as being anticipated by Jones, WO 95/15522.

#### **Claims 1, 12, 13, 19, 37, 52, 57**

Claims 1, 12, 13, 19, 37, 52 and 57 are being rejected as being unpatentable over Jones WO 95/15522. In order to anticipate an invention under 35 USC 102(b), the cited reference must contain all the limitations contained in a particular claim that the reference is deemed to anticipate. In the instant case, the independent claims being rejected recite “creating a key template comprising a plurality of elements, wherein each element is defined by an element size, a quantity, a start position and an initial position.” The Applicant respectfully submits that this significant limitation is not met by Jones.

Jones discloses a fingerprinting technique that utilizes date and time of file creation, author of file and CRC as a means for obtaining data reliability when transmitting files from one location to another. (See Page 3, lines 18-21.) The process of CRC involves getting a block of data known as a frame, performing left shift of this frame by n bits and then dividing it by P. The remainder of this last action provides what is known as Frame Check Sum (FCS) or

Check Sum data. This FCS is then appended to the frame and transmitted to another location. Once the file is received at the other end and a comparison is made to detect whether or not the file received is the same as the one sent by dividing the frame received by P and checking the remainder Check Sum data. If the remainder is zero it indicates that the file has been transferred in its entirety and that there are no missing elements. However, if the remainder is not zero then it indicates an error in the frame. Thus it is evident that CRC is purely dependent on file size. It is easy to manipulate a CRC check because it does not have the intelligence to detect any other changes to the file except file size.

The present invention as claimed is a robust method of detecting distribution of copyrighted works on the internet. The method as disclosed in Jones will completely fail in the present invention because an unscrupulous user may manipulate the file such that the content of the file is still the same but the checksum of the file is different from the source file. In such instances, a mere CRC will fail to detect this unknown file because the checksum data of this file is different from that of the source file. The present invention generates a key that is unique to the content of the document from the source file. This key is able to identify any file even though it has been altered peripherally. The key template of the present invention comprising of a plurality of elements is generated with each element being defined by an element size, a quantity, a start position and an initial position. Thus the key template of the present invention is dependent on the content of the document and a CRC will simply not work in the present invention.

In the Office Action, claims 2, 14, 38, 39 have also been rejected because according to the Office Action Jones meets the limitation of branding the source file. Applicants

respectfully submit that the Examiner is correct in saying that Jones discloses that the file can be time stamped (See Page 3, lines 9-13.) However, branding as claimed in the present invention is indicia of ownership with respect to licensing rights and copyright ownership of the source file. This limitation is not in any way met by Jones.

Thus the present invention is not in any way anticipated by Jones. Accordingly, Applicant respectfully suggest that the § 102 (b) rejection to claims 1, 12, 13, 19, 37, 52 and 57 be withdrawn and an indication of allowance be made.

**Claims 2-6, 14, 17, 38-39, 58-62, 81**

In the Office Action claims 2-6, 14, 17, 38-39, 58-62, and 81 have also been rejected as being anticipated by Jones under 35 USC § 102(b). These claims are all dependent from the aforementioned independent claims. As shown above, Jones does not disclose the limitations as disclosed in the independent claims. Consequently, dependent claims 2-6, 14, 17, 38-39, 58-62, and 81 are not anticipated by Jones. In light of the above, Applicant respectfully requests that § 102(b) rejection to claims 2-6, 14, 17, 38-39, 58-62, and 81 be withdrawn and an indication of allowance be made.

**Claims 1, 9, 12, 13, 19, 24, 31, 37, 42, 47, 52, 57, 63, 68, 82**

Claim 1, 9, 12, 13, 19, 24, 31, 37, 42, 47, 52, 57, 63, 68, 82 are being rejected as being unpatentable over Hull (US Patent No. 5, 465, 353.) In order to anticipate an invention under 35 USC 102(b), the cited reference must contain all the limitations contained in a particular

claim that the reference is deemed to anticipate. In the instant case, claims 1, 9, 12, 13, 19, 24, 31, 37, 42, 47, 52, 57, 63, 68, 82 recite “creating a key template comprising a plurality of elements, wherein each element is defined by an element size, a quantity, a start position and an initial position.” The Applicant respectfully submits that this significant limitation is not met by Hull.

Hull discloses an image matching and retrieval by multi-access redundant hashing using descriptors. A descriptor is derived from a feature of the document. An entry in the descriptor database represents a descriptor and points to a list of all the documents in the document database which include the feature associated with the descriptor. (See Column 4, lines 36-43.) Descriptors describe the number of characters in a set number of adjacent words (See Column 16, lines 66-67.)

The present invention generates a key that is unique to the content of the document from the source file. This key is able to identify any file even though it has been altered peripherally. The key template of the present invention comprising of a plurality of elements is generated with each element being defined by an element size, a quantity, a start position and an initial position. Thus the key template of the present invention is dependent on the content of the document which is totally different from what is disclosed in Hull.

In addition the invention as disclosed in Hull is restricted to matching of text and graphic images. This invention cannot be used for matching audio or video data. On the other hand, the present invention is used to detect distribution of any type of copyrighted work on the internet be it audio files, video file, text or graphic.

Thus the present invention is not in any way anticipated by Hull. Accordingly, Applicant respectfully suggest that the § 102 (b) rejection to claims 1, 9, 12, 13, 19, 24, 31, 37, 42, 47, 52, 57, 63, 68, 82 be withdrawn and an indication of allowance be made.

**Claims 2, 10-11, 14-23, 25-30, 32-36, 39, 40-41, 43-46, 48-51, 54-56, 58-62, 64-67, 69-75**

In the Office Action claims 2, 10-11, 14-23, 25-30, 32-36, 39, 40-41, 43-46, 48-51, 54-56, 58-62, 64-67, 69-75 have also been rejected as being anticipated by Hull under 35 USC § 102(b). Claims 2, 10-11, 14-23, 25-30, 32-36, 39, 40-41, 43-46, 48-51, 54-56, 58-62, 64-67, 69-75 are dependent from the aforementioned claims in the previous sections. As shown above, Hull does not disclose the limitations as disclosed in the independent claims. Consequently, dependent claims 2, 10-11, 14-23, 25-30, 32-36, 39, 40-41, 43-46, 48-51, 54-56, 58-62, 64-67, 69-75 are not anticipated by Hull. In light of the above, Applicant respectfully requests that § 102(b) rejection to claims 2, 10-11, 14-23, 25-30, 32-36, 39, 40-41, 43-46, 48-51, 54-56, 58-62, 64-67, 69-75 be withdrawn and an indication of allowance be made.

**Rejection under 35 USC 103**

**Claims 7, 9-11, 40, 76-80**

Claims 7, 9-11, 40, 76-80 are being rejected as being unpatentable under 35 USC 103 over Hull (US Patent No. 6, 465, 353) in view of Chow (US Patent No. 6, 292, 092.) The present invention generates a key that is unique to the content of the document from the source file. This key is able to identify any file even though it has been altered peripherally. The key template of the present invention comprising of a plurality of elements is generated with each

element being defined by an element size, a quantity, a start position and an initial position. Thus the key template of the present invention is dependent on the content of the document.

On the other hand, Hull is an invention that discloses image matching and retrieval by multi-access redundant hashing using descriptors. A descriptor is derived from a feature of the document and is in the form of “interesting points.” An entry in the descriptor database represents a descriptor and points to a list of all the documents in the document database which include the feature associated with the descriptor. (See Column 4, lines 36-43.) Descriptors describe the number of characters in a set number of adjacent words (See Column 16, lines 66-67.) Descriptors can only be used for text or graphics and can not be used for audio or video data. Hull does not disclose generating a key template in accordance with the present invention.

Chow discloses a system wherein encrypted information is affixed to a source image on a personal identity instrument. The encrypted information is physically affixed to the personal identity instrument. As discussed in Chow, “(t)he encrypted data printed on a carrier 19 as a matrix 20 of black and white rectangles using a laser printer, representing the binary number.” (See Column 8, lines 31-33.)

In contrast the present invention recites the limitation of “if the requesting user is authorized to request the branding, encrypting the data block utilizing the preassigned encryption key assigned to the user; and embedding the encrypted data block into the source file; and creating a fingerprint of the source file with the embedded data block.”

Neither of the cited references either alone or in combinations teach or suggest the limitations recited in claims 7, 9-11, 40, 76-80.

Accordingly, Applicants respectfully suggest that the 103(a) rejection to claims 7, 9-11, 40, 76-80 be withdrawn and an indication of allowance be made.

### **Claim 8**

Claim 8 is being rejected as being unpatentable under 35 USC 103 over Hull (US Patent No. 6, 465, 353) in view of Chow (US Patent No. 6, 292, 092.) Claim 8 is dependent from claim 1. As shown above, there is no motivation or suggestion in these two references to suggest combining these two references. Since the independent claim on which claim 8 is dependent has been argued to be allowable Applicant respectfully requests that § 103 rejection to claim 8 be withdrawn and an indication of allowance be made.

### **Claims 7, 9-11, 40, 76-80**

Claims 7, 9-11, 40, 76-80 are being rejected as being unpatentable under 35 USC 103 over Jones (WO 95/15522) in view of Chow (US Patent No. 6, 292, 092.)

To establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim limitations.

Jones does not disclose that embedded authentication information can be encrypted and embedded into the source file.

Chow teaches affixing encrypted information to a source image on a personal identity instrument. The encrypted information is physically affixed to the personal identity instrument. As disclosed in Chow, Column 8, lines 31-33, “(t)he encrypted data is printed on a carrier 19 as

a matrix 20 of black and white rectangles, using a laser printer, representing binary number.”

In contrast the present invention recites “if the requesting user is authorized to request the branding, encrypting the data block utilizing the preassigned encryption key assigned to the user; and embedding the encrypted data block into the source file; and creating a fingerprint of the source file with the embedded data block.”

Thus none of the two references teach or suggest the limitations of the claimed invention.

Therefore, Applicant respectfully requests that § 103 rejection to claims 7, 9-11, 40, 76-80 be withdrawn and an indication of allowance be made.

#### **Claim 8**

Claim 8 is being rejected as being unpatentable under 35 USC 103 over Jones (WO 95/15522) in view of Chow (US Patent No. 6, 292, 092.) Claim 8 is dependent from claim 1. As shown above, there is no motivation or suggestion in these two references to suggest combining these two references. Since the independent claim on which claim 8 is dependent has been argued to be allowable Applicant respectfully requests that § 103 rejection to claim 8 be withdrawn and an indication of allowance be made.

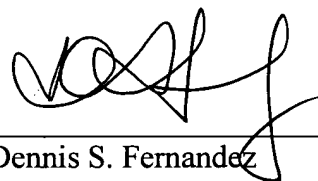
## CONCLUSION

In view of the foregoing, the Applicant believes that all of the claims are now in condition for allowance and respectfully request the Examiner to issue a timely Notice of Allowance in this case. If for any reason, the Examiner believes any of the claims are not in condition for allowance, he is encouraged to call the undersigned attorney at 650-325-4999 so that any remaining issues may be resolved.

The above changes are believed not to add new matter, as support is found in the specification as described above.

Claims 1-82 remain in this application. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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